

25 MAR 1991

MEMORANDUM FOR: Chief, Regulations Control Division
Office of Information Services

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FROM: [REDACTED]
Director of Security

SUBJECT: Classification Justification for [REDACTED]

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1. Pursuant to a request submitted telephonically by a member of your staff, this will serve as confirmation that I have requested use of the marking "Classified Confidential in the Aggregate" as appropriate to classification of [REDACTED] Compliance with Security Regulations.

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2. I am comfortable with use of the cited marking as a justification for classification. RMD/OIS has advised that the marking is valid and your staff has advised that OGC has confirmed its legality. I understand further that the marking is used sparingly and has not been publicized in the Agency as legally acceptable. The latter fact is unfortunate in that it offers a solution to a serious problem, i.e., publication of unclassified papers that permit construction of a mosaic that is revealing and damaging in terms of disclosure of intelligence sources and methods. The Inspector General has an immediate interest in this problem and is supported in his concern by Agency officials charged with implementation of an effective counterintelligence program, myself included. Frankly, I see no alternative that would not involve violation of the provisions of Executive Order 12065.

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IIQ. INSTRUCTION SHEET

REMOVE			INSERT			EXPLANATION
REG. NOS.	PAGE NOS.	DATE	REG. NOS.	PAGE NOS.	DATE	
	1-2.1 364	10/30/69 4/1/61				[redacted] replaces the existing [redacted] and provides current policy that is applicable to compliance with security regulations.

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SECURITY

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X-11. COMPLIANCE WITH SECURITY REGULATIONS

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SYNOPSIS. This regulation prescribes CIA policy regarding compliance with security regulations. It defines and identifies responsibilities for investigating and reporting violations and for imposing [penalties for] security violations.

a. AUTHORITY. The provisions of this regulation

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[] are governed by explicit authorization by statute and Executive order to protect [classified information and intelligence] sources and methods from unauthorized disclosure. The National Security Act of 1947, as amended, [provides] the Director of Central Intelligence (DCI) [with the authority] to terminate [the employment] of any individual unwilling or unable to abide by security procedures, regulations, or requirements established as protective measures or precautions. By delegation, the Deputy Director of Central Intelligence (DDCI) has the same authority. Other authorities and responsibilities set forth in this regulation dealing with sanctions other than dismissal are in keeping with the provisions of []

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X-1 New Numbering Series

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IN THE AGGREGATE]

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b. GENERAL

(1) [The Agency] must function in accordance with strict security standards in order to fulfill its mission effectively. The maximum standards of security compatible with efficient operating procedures must always be observed and practiced, both in CONUS and overseas. In order to maintain such security standards, Deputy Directors, Heads of Independent Offices, and Operating Officials (hereinafter referred to collectively as "Agency officials") [must] be informed of security weaknesses, violations of security regulations, or other breaches of security and, as a command responsibility, they [must] promptly institute remedial measures and administer such disciplinary penalties as may be warranted.

25X1 (2) This regulation applies to all categories of personnel described in [] whose services are performed within the United States either in PCS or TDY status.

(3) Notwithstanding the concept that security is a basic command function, nothing in this regulation will be a bar to the Director of Security making recommendations for the termination [of the employment] of personnel employed by [the CIA, as well as the termination of the detail or assignment of personnel detailed to or assigned to the CIA] for any violation or series of violations considered

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25X1 sufficiently grave to warrant such a course. Recommendations for the separation of CIA employees will be consistent with the provisions of [redacted]

c. POLICY. Agency policy directed toward the application of penalties for security violations is governed by the uniform sanctions specified in this regulation, except when the circumstances associated with a given incident or series of incidents clearly warrant more stringent action or, in the existence of mitigating factors, an equitable reduction. [The Office of Security will recommend, pursuant to paragraph e(1)(g) below, the penalties to be applied for violations other than the unintentional violation covered in paragraph g(1)(a)(1) below.] In making recommendations, the Office of Security will be guided closely by the penalties established in this regulation and will suggest other penalties only when circumstances applicable to a particular case warrant the imposition of a more, or less, stringent penalty. Agency officials will weigh the recommendations of the Office of Security in the same spirit of equity and justice. [An individual found responsible for a security violation will be afforded the opportunity to argue in his or her defense prior to the imposition of a penalty.] Only the DCI or

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the DDCI may effect [separation], except during an individual's trial period, when [separations] may be effected by the Director of Personnel Policy, Planning, and Management

25X1 (D/PPPM). []

d. DEFINITION. A security violation is any breach, deliberate or inadvertent, of Agency security policy, regulations, requirements, or procedures. []

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e. RESPONSIBILITIES

(1) DIRECTOR OF SECURITY. The Director of Security or designee is responsible for:

(a) Investigating all reported security violations within the United States, including any neglect in the application of security regulations.

(b) Determining the person or persons responsible for such security violations.

(c) Determining the seriousness of a security violation in coordination with appropriate Agency officials.

(d) Maintaining records of all security violations, whether committed in the United States or abroad.

(e) Informing the Agency officials concerned of any matter affecting the security of their operations.

(f) Informing the D/PPPM of the names, dates, and types of violations in all third and fourth security violation cases computed in accordance with paragraph g(1)(b)(1) below.

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(g) Submitting [appropriate] reports and recommendations to Agency officials and to the DCI or DDCI.

(2) OPERATING OFFICIALS AND HEADS OF INDEPENDENT OFFICES. Operating Officials and Heads of Independent Offices are responsible for:

(a) Imposing security violation penalties on personnel under their jurisdiction pursuant to recommendations from the Office of Security based on the standards established by this regulation.

(b) Notifying the Director of Security in writing of corrective and disciplinary action taken in connection with security violations, including those reported from overseas.

(c) Submitting ~~requests for personnel actions~~ [Forms 1152], Request for Personnel Action, / ~~Form 1152~~ to the D/PPPM to implement decisions for suspension or dismissal of [Agency] employees [as well as the termination of the detail or assignment of personnel detailed or assigned to the CIA] where appropriate.

(d) Ensuring that cases of actual or possible loss or compromise of classified or classifiable material, [or any other breach of security of which they have knowledge] are brought immediately to the attention of the Director of Security and the [appropriate] Deputy Director or higher authority.

(3) DIRECTOR OF PERSONNEL POLICY, PLANNING, AND MANAGEMENT. The D/PPPM is responsible for:

(a) Implementing the provisions of [redacted] when personnel action involving the [separation of CIA employees] is recommended by the Director of Security or requested by an Agency official.

(b) [Processing requests for personnel actions from Agency officials to implement the suspension or separation of CIA employees for security violations.]

(c) Furnishing the Director of Security with a copy of each personnel action involving suspension or separation.

(4) PERSONNEL SUBJECT TO THIS REGULATION.

Persons to whom this regulation applies are responsible for:

(a) Constant and unrelenting observance of sound security practices [as presented in security indoctrination, security education and training, and consistent with guidance provided by supervision as a command function].

(b) Immediate reporting of any actual or possible loss or compromise of classified or classifiable material or any other breach of security of which they have knowledge to their supervisor and the security officer of their component or the Director of Security. [redacted]

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f. INVESTIGATION OF SECURITY VIOLATIONS

(1) All security violations or alleged breaches of security regulations occurring within the United States will be investigated by the Director of Security or designee. If it is determined that there has been a probable exposure or disclosure of classified or classifiable material or information to unauthorized persons, the Agency official having primary interest and all other components concerned with the information or material will be notified immediately by the Office of Security in advance of a formal report in order to permit prompt action to lessen the effects of the security breach. The formal report of investigation will include:

(a) A written report of interview of the person(s) concerned.

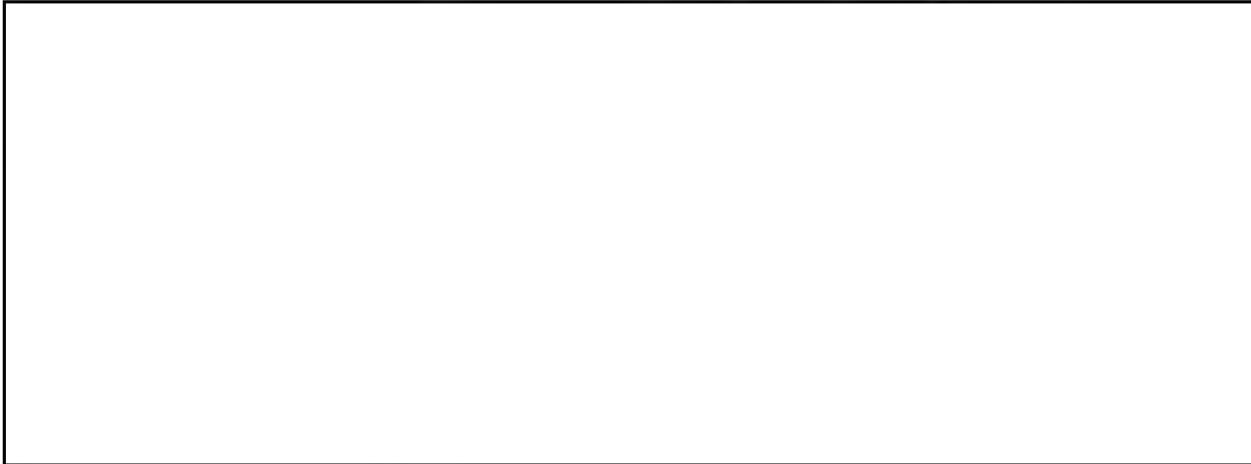
(b) A finding as to the person or persons responsible.

(c) A statement as to the degree of compromise involved.

(d) To the extent appropriate, the security violation history of each person found responsible for the violation.

(e) If warranted, recommendations for remedial action that should be taken to preclude recurrence of such violations.

(2) The report of the investigation or a summary thereof will be forwarded to the Agency official concerned, who will inform the Director of Security in writing of the disciplinary action taken under the provisions of this regulation.



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g. PENALTIES FOR NONCOMPLIANCE. Persons to whom this regulation apply who fail to observe security regula-
/applies/
tions and policies or who are found to be responsible for security violations are subject to the following administrative actions and, in certain serious cases, to criminal prosecution.

(1) ADMINISTRATIVE ACTION

(a) Penalties

(1) The following are penalties for inadvertent security violations that concern failure to properly secure classified material and do not involve either intent or gross negligence.

(a) First Violation. Oral reprimand by the Operating Official or Head of Independent Office concerned or higher authority and warning of possible consequences of further violations.

(b) Second Violation. Written reprimand and warning by the Agency official concerned of the possible consequences of subsequent violations.

(c) Third Violation. Suspension without pay for a period of one day and written warning from the D/PPPM as to consequences of a fourth violation.

(d) Fourth Violation. Suspension without pay for five days and a complete review of the individual's security file by the Director of Security who will, if warranted, provide the Agency official concerned with a recommendation for a more severe penalty. Such a recommendation may involve a longer period of suspension without pay up to a maximum of ~~twenty~~ days or [could result in] termination of /20/ Agency employment or affiliation.

(2) Failure to promptly report the loss or compromise of classified information will be penalized by suspension without pay for five days. Repetition of this behavior after imposition of the prescribed penalty will lead to termination [of Agency employment or affiliation].

(3) Failure to afford proper protection to classified material either deliberately or out of gross /c/ neglect; e.g., unauthorized removal of classified material from office to home or any other location not provided with approved safeguarding equipment, will be penalized as follows:

(a) Without intent to damage the national security, to make public classified material, or to harm the Agency:

(i) Isolated instances: five days suspension without pay.

(ii) Repeated instances: twenty days suspension without pay. Repetition of this behavior after imposition of the prescribed penalty will lead to termination [of Agency employment or affiliation].

(b) With intent to damage the national security, to make public classified material, or to harm the Agency: termination of [Agency] employment or [affiliation].

(4) Deliberate revelation of classified information or provision of classified information to unauthorized persons will be penalized as follows:

(a) Without intent to damage the national security, to make public classified material, or to harm the Agency:

(i) Isolated instances: five days suspension without pay.

(ii) Repeated instances: twenty days suspension without pay. Repetition of this behavior after imposition of the prescribed penalty will lead to termination [of Agency employment or affiliation].

(b) With intent to damage the national security, to make public classified material, or to harm the Agency: termination of [Agency] employment or [affiliation].

(b) Exceptions

(1) Two-Year Provision. In the case of an individual who has served two continuous years without a security violation of the nature set forth in paragraph g(1)(a)(1), any or all similar violations that he or she committed prior to the commencement of the two-year period will be disregarded for purposes of determining whether a violation is the first, second, third, or fourth; however, they will continue to be a part of the individual's security file.

(2) Lesser Penalties. A lesser penalty than called for under paragraph g(1)(a) may be imposed if, in the judgment of the [responsible] Agency official, local operating conditions justify such action. This authority may not be delegated. Where the prescribed penalty is termination [of Agency employment or affiliation], a lesser penalty can be imposed only by the DCI or DDCI.

(3) Substitute Penalties

(a) Staff Personnel (Staff Employees and Staff Agents). For staff personnel

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(b) Personnel Detailed or Assigned From Other

Government Agencies. Where the prescribed penalty is loss of pay, the Agency official will invoke a suitable substitute penalty. Where the penalty is termination of affiliation, such individuals will be returned to their parent agency and the D/PPPM, [in coordination with the General Counsel,] will [notify] the parent agency [of the termination so that further action will be taken by the /separation/] parent agency as the circumstances warrant.

(c) Contract Personnel. It will be the duty of the cognizant Agency official to consider security violations on a case-by-case basis and to invoke such penalties as are considered equitable and compatible with the cover and the terms of the contract. When feasible, the prescribed penalties set forth in this regulation will be included in the contract.

(4) [Accountability For and Reporting of Lesser or Substitute Penalties.] The fact that a lesser or substitute penalty is imposed than called for under paragraph g(i)(a) will not be construed as cancelling the violation. In all cases of lesser or substitute penalties, the report of action taken will be forwarded to the Director of Security and will contain the circumstances or conditions that warrant a lesser or substitute penalty and the penalty imposed.

(c) Special Penalty Provisions. In cases involving gross negligence or willful noncompliance with security regulations, regardless of the security violation record of the individual, penalties will be assessed on a case-by-case basis in accordance with the seriousness of the individual violation.

(d) Dismissal. It is recognized that a single security breach may be serious enough to warrant the separation of the individual from the Agency. Similar action also may be warranted in the case of a chronic offender. In such cases the Agency official concerned will advise the Director of Security of intent and forward requests for dismissal to the D/PPPM with necessary papers associated with the case. The D/PPPM will furnish the Director of Security a copy of the personnel action accomplished.

25X1 (2) CRIMINAL PROSECUTION. Appropriate cases will be [forwarded] to the Department of Justice by the General Counsel for prosecution under the espionage laws and other pertinent statutes.

h. IMPOSITION OF PENALTIES

(1) The Agency official concerned will effect the imposition of security penalties or, when the penalty involves a personnel action or criminal prosecution, will address recommendations to the D/PPPM. The Agency official will provide written notification to the Director of Security of proposed and effected actions taken in each case.

(2) Requests for suspension or separation will be prepared in accordance with and forwarded to the D/PPPM with all pertinent papers attached, for action indicated. The D/PPPM may choose to obtain a recommendation from the Director of Security and will furnish the Director of Security a copy of the personnel action effecting the suspension or dismissal.

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